

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHNNY DIAZ,

Plaintiff,

-against-

NEW YORK CITY MIDTOWN WEST
POLICE DEPARTMENT; NYPD SGT. JOHN
DOE; NYPD CHIEF OF POLICE; MAYOR
OF N.Y.C.; GOV. OF NYC AND/OR STATE;
SGT. JOHN DOE PARTNER,

Defendants.

22-CV-4023 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated May 19, 2022, the Court directed Plaintiff to either pay the \$402.00 in fees that are required to file a civil action in this court or submit a completed request to proceed *in forma pauperis* (“IFP application”) within thirty days. On June 23, 2022, the order was returned to the Court with a notation on the envelope indicating that Plaintiff was discharged from the West Facility on Rikers Island. Plaintiff has not complied with the Court’s order, has failed to notify the Court of a change of mailing address, and has not initiated any further contact with the Court, written or otherwise. Accordingly, Plaintiff’s complaint, filed IFP pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 23, 2022
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge